

### **REMARKS**

This Preliminary Amendment is filed concurrently with a Request for Continued Examination (RCE) in response to the final Office Action of November 27, 2006.

Claims 1-4 were previously pending in the application. The final Office Action rejects Claims 1-3 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,797,515 to Liff et al. ("the Liff reference"). The Office Action rejects Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over the Liff reference in view of U.S. Patent No. 6,112,502 to Frederick et al. ("the Frederick reference"). Applicants have amended independent Claim 1 to further clarify aspects of the present invention. No new matter was added as a result of this amendment. It is respectfully submitted that in light of the arguments and claim amendment, the application is now in condition for allowance.

Applicants have amended independent Claim 1 to recite, *inter alia*, a plurality of open shelves containing bins for carrying items, said items having indicia associated therewith; a handheld device programmed to: read the indicia associated with an item for which a restock is desired, receive order quantity information associated with the read indicia for a decentralized storage location, and transfer the information associated with the read indicia and the order quantity information to enable a restocking package to be prepared; a workstation configured to receive a current quantity of said item stored in a centralized storage location; and a computing device configured to receive the transferred information and queue a restocking package to be processed for the decentralized storage location in response to the transferred information. (Emphasis added). Applicants submit that neither the Liff reference, nor the Frederick reference, alone or in combination, teaches or suggests the elements of independent Claim 1, as amended.

The Liff reference teaches comparing a package bar code label with a column bar code label before loading the package into a column, and recording the number of bottles in each column. This comparison may take place visually as the reference does not explicitly teach or suggest scanning either the package bar code label or the column bar code label to perform the comparison. *See* col. 6, lines 45-67. The Liff reference then teaches scanning the package bar code label as a package is dispensed. *See* col. 6, lines 51-54.

However, among other things, the Liff reference does not teach or suggest a handheld device programmed to receive order quantity information associated with the read indicia for a decentralized storage location; a workstation configured to receive a current quantity of said item stored in a centralized storage location; and a computing device configured to queue a restocking package to be processed for the decentralized storage location in response to the transferred information.

The Frederick reference discloses a method for monitoring, dispensing, and restocking medical items from a plurality of storage locations. Each storage location of the Frederick reference is marked with a desired level or quantity for the item contained therein. Each storage location is further marked with one or more scannable indicia (e.g., bar code labels) corresponding to a "quantity condition." For example, one scannable indicium may correspond to a "below par level" condition, while another indicium may correspond to an "out of stock" condition. A user of the system determines whether an item requires restocking, such as by determining if the current quantity of the item is below the indicated par level or if the item is out of stock. The user then scans the appropriate indicium, corresponding to the determined quantity condition, using a handheld device. This causes the transmission of a message indicating that the particular storage location requires restocking. A data store may also include data representative of the number of units remaining in each storage location.

However, among other things, the Frederick reference does not teach or suggest a handheld device programmed to receive order quantity information associated with the read indicia for a decentralized storage location; a workstation configured to receive a current quantity of said item stored in a centralized storage location; and a computing device configured to queue a restocking package to be processed for the decentralized storage location in response to the transferred information.

In view of the the remarks presented above, Applicants respectfully submit that independent Claim 1, as well as the claims that depend therefrom, are patentable over the cited references, alone or in combination. As such, all of the present claims of the present application are in condition for immediate allowance.

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### **CONCLUSION**

In view of the remarks presented above, it is respectfully submitted that the rejection of Claims 1-4 should be withdrawn. As such, all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/rflyntstreaan/

R. Flynt Streaan  
Registration No. 56,450

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
CLT01#4803313v1

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